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UNITED STATES DISTRICT COURT
DISTRICT OF OREGON

TAMIE RICHARDSON,

Plaintiff,

vs.

First Horizon Home Loan Corporation,

Defendant.

Case No.: 10-3034

MOTION FOR PROTECTIVE ORDER/
ORDER TO QUASH DEPOSITION OF
WANDA CALLIER

COMES NOW the Defendant, First Horizon Home Loan Corporation (“Responding Party”), by and through their attorney of record, Holger Uhl of McCarthy & Holthus, LLP, and moves pursuant to FRCP 26(b), FRCP. 45 for an order from the Court to quash Plaintiff’s Notice of Deposition and Subpoena directed to WANDA CALLIER requiring her appearance and production of documents upon the following grounds:

1. Plaintiff made no attempt to coordinate the scheduling of this deposition with counsel for defendant. Plaintiff has scheduled this deposition while Counsel for Defendant was out of the country and without notice to counsel.

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2. The person to be deposed is a random employee of Defendant, who is not the designated guardian of any of the records subpoenaed by Plaintiff contemporaneously with the notice of Deposition. Her personal knowledge as to the loan in question is limited.
3. Defendant offered to designate a witness and make that witness available, but Plaintiff has not taken up that offer.
4. The deposition, and in particular the production request serves no proper purpose other than to annoy, harass and intimidate Defendant and Defendant's employees.
5. Because this notice was issued during the holiday season Counsel for Defendant has been unable to communicate with his client contact and/or Wanda Collier. At this point counsel has no information whether or not the subpoena was served upon Wanda Collier.
6. The requested documents are neither relevant nor intended to lead to the discovery of relevant evidence, but in any event it is not possible to produce the requested documents in the time frame requested. Thus having to produce those documents presents an undue burden upon Defendant under the circumstances.
7. Defendant intends to comply with all reasonable discovery requests and has already provided extensive discovery, including but not limited to an accurate and current copy of the promissory note showing all endorsements and copies of any assignments, the loan history and the RESPA closing statement.

Defendant requests that the Court order that the subpoena be stricken, requests attorney fees and costs and oral argument on this motion. Defendant further requests that Plaintiff take no further depositions without first making a good faith effort to schedule such deposition with Defendant's counsel.

DATED: December 22, 2010

/s/ Holger Uhl

Holger Uhl, OSB# 950143